

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

February 17, 1989



ALL COUNTY LETTER NO. 89-19

TO: All County Welfare Directors

SUBJECT: Shaw v. McMahon Order Compelling Defendants to Comply with Peremptory Writ of Mandate and Permanent InjunctionREFERENCE: ALL COUNTY LETTER 88-87
ALL COUNTY LETTER 88-158

This is to inform you that on January 9, 1989, Judge Dolgin signed the order granting plaintiffs' motion for a Peremptory Writ of Mandate and Permanent Injunction in the Shaw v. McMahon court case. The order is attached.

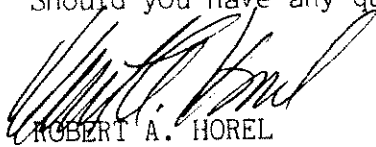
In compliance with the order, Counties which have not yet done so are instructed to immediately cease applying the unemployed parent test to AFDC-FG cases which apply for State AFDC-U Shaw benefits. In addition, Counties must determine if those cases denied Shaw benefits, effective back to July 21, were correctly denied based on the current Superior Court ruling. All denials of FG cases denied solely because they met the Federal standards for unemployed parent will be rescinded and eligibility reestablished for Shaw benefits. (See ACL 88-158, attached.)

The order also requires that the following information, by County, be filed with the court no later than July 1, 1989.

1. The number of AFDC-FG cases since August 1, 1988, where State-only benefits were denied because of the Federal work history requirement;
2. The number of AFDC-FG cases where an overpayment was assessed; and
3. The number of these cases where corrective action has been taken.

Counties are to begin implementation of the court order immediately and to complete a review of all those FG cases denied Shaw benefits solely because they met the Federal standards for unemployed parents as soon as possible. Additional instructions regarding County reporting procedures will be forwarded within the near future.

Should you have any questions, please contact Ms. Susan Wyckoff at (916) 324-2003.



ROBERT A. HOREL
Deputy Director

Attachments

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



December 16, 1988

ALL COUNTY LETTER NO. 88-158

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SHAW V. McMAHON MEMORANDUM OF DECISION TO COMPEL COMPLIANCE WITH WRIT OF
MANDATE

REFERENCE: ALL COUNTY LETTER 88-87

The purpose of this letter is to inform you that on December 2, 1988, Judge Dolgin of the Contra Costa Superior Court signed the attached decision finding that the State must cease applying the federal unemployed parent test to Shaw applicants whose federal eligibility is AFDC-FG. The order is expected to be issued shortly.

This means that federal AFDC-FG cases that receive a lump-sum payment resulting in a period of ineligibility (POI) will be eligible for Shaw providing that the assistance unit's total resources are less than \$1,000 and providing that the assistance unit would be otherwise eligible for federal AFDC except for the receipt of the lump-sum. All other Shaw requirements, including Shaw application requirements, will remain unchanged. Counties will continue applying the federal unemployed parent test to all cases whose AFDC eligibility is based on federal AFDC-U.

Although the State is planning to appeal this latest ruling, Counties are advised to immediately cease applying the unemployed parent test to AFDC-FG cases. The Counties are also advised to begin, as soon as possible, identifying all AFDC-FG cases denied Shaw benefits and to rescind the denials of FG cases denied solely because they met the federal standards for unemployed parent.

Should you have any questions, please contact Ms. Susan Wyckoff at (916) 324-2003.


ROBERT A. HOREL
Deputy Director

Attachment

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

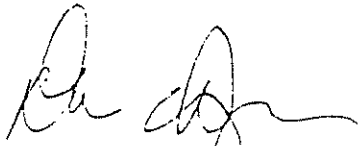
TAMIE SHAW,
Plaintiff,
vs.
LINDA McMAHON, et al.,
Defendants.

NO. 262,299
MEMORANDUM OF DECISION

I agree with plaintiff that since there are several unique requirements of Federal AFDC-U, there are families which meet one or more of, but do not meet all of the Federal AFDC-U standards. These persons are eligible for State only AFDC-U.

Motion to Compel Compliance with Writ of Mandate is granted.

DATED: DEC - 2 1988



DAVID A. DOLGIN
JUDGE OF THE SUPERIOR COURT

JAN 9 - 1989

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PHILIP BERTENTHAL
2 JODIE BERGER
CONTRA COSTA LEGAL SERVICES FOUNDATION
3 1017 Macdonald Avenue, P. O. Box 2289
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4 Telephone: (415) 233-9954

FILED

JAN 5 - 1989

J.R. OLSSON, County Clerk
CONTRA COSTA COUNTY

By S. SORDANA Deputy

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11 Attorneys for Plaintiff

12
13 SUPERIOR COURT OF CALIFORNIA,

14 CONTRA COSTA COUNTY

15 TAMIE SHAW,

NO. 262299

16
17 Plaintiff,

ORDER COMPELLING
DEFENDANTS TO COMPLY WITH
PEREMPTORY WRIT OF MANDATE
AND PERMANENT INJUNCTION

18 vs.
19

20 LINDA McMAHON, et al.,

21
22 Defendants.

23
24 Plaintiff's motion to compel defendants to obey peremptory
25 writ of mandate came on regularly for hearing on November 2,
26 1988. The plaintiff was represented by Ralph Murphy and the
27 defendants were represented by Charlton G. Holland. The court
28

1 having considered the oral arguments and memoranda of points and
2 authorities, and all other pleadings and documents on file in
3 this case, and the court having rendered a memorandum decision
4 filed December 2, 1988, and good cause appearing,

5 IT IS ORDERED that:

6 1. Plaintiff's motion to compel the defendants to comply
7 with this court's judgment and writ of January 23, 1985 is
8 granted;

9 2. The defendants, their agents, employees, and successors
10 in interest, are enjoined and prohibited from denying state-only
11 AFDC benefits to families which fail to meet one of the
12 eligibility requirements for Federal AFDC-U, including the
13 requirement that the family not be categorically eligible to
14 receive AFDC-Family Group.

15 In implementation of the foregoing order,

16 IT IS FURTHER ORDERED that:

17 1. Initial Notice

18 Defendant McMahon and the Department of Social Services
19 shall notify the county welfare departments of the terms of this
20 order within 5 working days of the receipt of a copy of this
21 order by the Department of Social Services at 744 P Street,
22 Sacramento, California. The counties shall be informed that
23 Shaw benefits may not be denied to families because they meet
24 Federal AFDC-U requirements for work history or connection to
25 the labor force, unless those families meet all other
26 eligibility requirements for Federal AFDC-U including the
27 requirement that the families not be categorically eligible for
28 AFDC-Family Group.

1 2. All-County Letter

2 Defendant McMahon and the Department of Social Services
3 shall issue an All-County Letter instructing the counties to
4 comply with the terms of this order by granting state-only AFDC
5 benefits to any eligible family regardless of whether the family
6 meets the federal requirements for work history or connection to
7 the labor force to the extent stated above.

8 The All-County Letter shall also instruct the county welfare
9 departments to reevaluate the eligibility of any family denied
10 state-only AFDC benefits or assessed an overpayment pursuant to
11 All-County Letter 88-87 because they meet the federal
12 requirements for work history or connection with the labor force
13 and to take all necessary corrective action to implement this
14 order.

15 Defendants shall send a copy of the proposed All-County
16 Letter to plaintiff's counsel for comment within fifteen working
17 days of the receipt of a copy of this order by the Department of
18 Social Services. The All-County Letter shall be sent to the
19 counties within five working days of the parties having agreed
20 to its terms. If the parties cannot agree, any party may move
21 for court approval of the letter.

22 3. Monitoring

23 Defendant McMahon shall submit to plaintiff's counsel and
24 file a return with the court by July 1, 1989, reporting by
25 county the following information for AFDC cases evaluated
26 pursuant to this order: the number of cases since August 1,
27 1988 where state-only benefits were denied because of the
28

1 federal work history requirement, the number of cases where an
2 overpayment was assessed and the number of these cases where
3 corrective action has been taken.

4 4. Jurisdiction

5 The court retains jurisdiction for one year to ensure
6 compliance with this order.

7 5. Costs and Attorneys' Fees

8 Plaintiff is awarded costs and attorneys fees in an amount
9 to be determined upon proper motion if the parties cannot agree.

10 6. Nature of Injunction

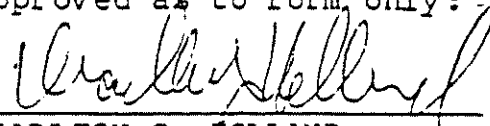
11 The provisions of this injunction are prohibitory, and shall
12 not be stayed if an appeal is filed by defendants.

13 Dated: _____

1-4-89 DAVID A. DOLGIN

JUDGE OF THE SUPERIOR COURT

15
16 Approved as to form, only:

17 
18 CHARLTON G. HOLLAND
19 ASSISTANT ATTORNEY GENERAL

DEC 23 1988

